

REMARKS

In the Office Action mailed June 29, 2009 from the United States Patent and Trademark Office, claim 1 was objected to, some claims were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,804,787, and claims 1-10 and 12-13 (claim 11 was previously canceled) were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending U.S. Application No. 11/057,097. Claims 15-20 were apparently rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0097451 to Bjorksten et al. (hereinafter “Bjorksten”) in view of U.S. Patent No. 6,517,587 to Satyavolu et al. (hereinafter “Satyavolu”) and U.S. Patent Application Publication No. 2001/0047282 to Raveis, Jr. (hereinafter “Raveis”), claims 1-6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,028,049 to Shelton (hereinafter “Shelton”) in view of U.S. Patent Application Publication No. 2004/0139025 to Coleman (hereinafter “Coleman”) and Raveis, claims 7-10 and 12-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shelton in view of U.S. Patent Application Publication No. 2002/0013519 to Adams et al. (hereinafter “Adams”) and Raveis, and claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shelton in view of Adams and Bjorksten.

Applicant therefore respectfully provides the following:

Comments on the “Response to Argument on 03/19/2009” (Beginning at Office Action Page 2):

Regarding the Double Patenting rejections, Applicant respectfully notes that no analysis has been previously provided regarding the specific features of dependent claims 3 and/or 9. Also, Applicant notes that claim 15 has not been previously rejected. Applicant respectfully

submits (in addition to those arguments that have been previously submitted) that the limitations of such claims are patentably distinct from the claims of U.S. Patent No. 6,804,787 and co-pending application number 11/057,097. Applicant also notes that such limitations have been incorporated into independent claims 1 and 7, and that the entire claim set is therefore patentably distinct over the referenced patent and co-pending application. Applicant further notes that the claims of the co-pending application have been amended in a response dated July 6, 2009, which further modifies the double patenting analysis between these applications and distances the instant application from the claims of the co-pending application.

Regarding the disclosure of Bjorksten, Applicant respectfully disagrees with the position set forth in the Office Action at least as follows. First, Applicant respectfully disagrees with the continued assertion that Bjorksten teaches presenting the sources of information to the user (see the Office Action, last paragraph on page 3). Even though Bjorksten's Figure 2 shows information pertaining to various service profiles (Amazon, CitiBank, etc.), Bjorksten specifically teaches that the service profiles are either user created or are automatically created. (See para. 0034.) As previously discussed, Bjorksten teaches the use of an automatic information collector for capturing personal information about a user. (Para. 0046) Bjorksten teaches how the automatic information collector gathers information about the user at Figure 15 and paragraphs 0116-0118. This teaches that the automatic information collector monitors the user's interactions with websites and collects the information based on **the user's** requests and **the user's** responses to requests for information. (Para. 0117) Therefore, the automatic information collector of Bjorksten only gathers information from **the user** as the user interacts with websites, and does not present the sources of information to the user. Applicant notes that the Office Action cites to paragraphs 0097-0098, but those paragraphs only discuss presenting

the source of a request for information to the user for authorization of disclosure, not presenting a source of information in the profile. Therefore, Applicant respectfully submits that the continued reliance on Bjorksten for such features is misplaced.

Second, Applicant continues to disagree with the assertion (see Office Action, page 4, first paragraph) that Bjorksten's teaching of accepting changes of profile information corresponds to the claimed limitation of "accepting commentary on the accuracy of said information." As discussed in the immediate prior response, one of skill in the art would immediately understand that merely permitting changes to information without providing some commentary or indication that changes had occurred would severely disadvantage users of the information, as the user could elect to fraudulently change his or her personal information to his or her benefit, such as to obtain better loan terms, health care coverage, etc. Applicant further notes that Bjorksten does not teach any annotation of records as alleged in the Office Action, but only discusses adding, changing, or deleting. (See paragraph 0040.) Bjorksten never discusses commentary on the accuracy of the information as is required by claim 15.

Third, Applicant submits that since Bjorksten fails to teach maintaining information regarding sources of the information or accepting commentary on the information's accuracy, Bjorksten cannot be said to teach presenting the sources of the information and any commentary to other individuals. Therefore, Applicant continues to disagree with the position set forth in the second paragraph of page 4 of the Office Action.

Comments Regarding the Newly-Cited Art References:

In the Office Action, Satyavolu and Raveis were added to the previous prior art rejections. Satyavolu was cited as teaching automatically gathering information regarding an

individual from a plurality of information sources not controlled by the individual over a wide area computer network. (See Office Action, page 13, lines 3-6.) Raveis was cited as teaching commentary including explanation of incorrect information in the database. (See Office Action, page 13, second full paragraph.) Applicant respectfully submits that the newly-cited art fails to stand for the propositions for which it has been cited.

Specifically, Applicant respectfully submits that the Office Action has not shown that Satyavolu teaches automatically gathering information regarding an individual from a plurality of information sources not controlled by the individual as alleged in the Office Action. Instead, the Office Action merely shows that Satyavolu teaches a data gathering network configured to gather data as requested by individual subscribers' work requests. (See Col. 3 lines 29-48.) The mere use of the word "individual" in Satyavolu does not show equivalence between the teachings of Satyavolu and the invention as claimed in the claims.

Additionally, Applicant respectfully submits that the Office Action has not shown that Raveis teaches commentary including explanation of incorrect information in the database as alleged in the Office Action. As with the mere use of the word "individual" in Satyavolu, the mere use of the word "comment" in Raveis does not show equivalence between the teachings of Raveis and the invention as claimed in the claims. The Office Action merely cites to portions of Raveis that teach recording data in a real estate listing relating to showings of real estate related to the listing, the data including "a comment by an agent," "a comment by the contact," or "Comments to Owner." These mere references to comments do not show any commentary including explanations of incorrect information (in the database or listing). One of skill in the art would instead understand such comments to be comments about the real estate, the showing, etc., and not about incorrect information and/or changes as alleged in the Office Action.

Therefore, Applicant respectfully submits that the reliance on the newly-cited references is misplaced, and that any rejections relying on the new references (all prior art rejections) should be removed for at least these reasons.

Claim Objections:

Claim 1 has been amended to address the objections set forth in the Office Action. Applicant therefore requests withdrawal of the objections.

Double Patenting Rejections:

The rejected independent claims have been amended, as discussed above (see Comments on Response to Argument), and Applicant respectfully submits that for at least by reason of the amendments (both in the instant application and in the co-pending application), the independent claims are patentably distinct from the claims of the referenced patent and of the co-pending application. Applicant also respectfully incorporates by reference those arguments that were previously made against the rejections.

By way of a request for clarification in the event the rejections are not removed: in the Office Action, some claims were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,804,787. Regarding these rejections, Applicant respectfully notes that the scope of the rejections is somewhat unclear. The Office Action recites on page 5, numbered paragraph 8, that claims 1-20 were rejected (note that claim 11 was previously canceled), but the next paragraph (numbered 9 on page 6 of the Office Action) only discusses claims 1-13. Additionally, numbered paragraph 14 also discusses claims 1-13. Applicant also notes that there is no analysis set forth with respect to dependent claim 14 or independent claim 15 with its dependent claims 16-20. Finally, Applicant further notes that

claims 14-20 had not been rejected for double patenting in the previous two office actions. Clarification is therefore requested to the extent that any double patenting rejections are reiterated.

Applicant respectfully requests removal of all double patenting and provisional double patenting rejections for the reasons discussed above and previously submitted.

Rejections under 35 U.S.C. § 103(a):

In the Office Action, Applicant understands that claims 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjorksten in view of Satyavolu and Raveis, claims 1-6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shelton in view of Coleman and Raveis, claims 7-10 and 12-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shelton in view of Adams and Raveis.

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: 1) ascertaining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) In addition, M.P.E.P. §§ 2141 and 2142 set forth that “the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” (Citing *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007).)

Therefore, for a rejection under Section 103 to stand, it must explicitly set forth 1) factual findings showing that each claim element was known in the art at the time of the invention, and 2) factual findings showing that one of ordinary skill in the art, at the time of the invention, would have found it obvious to modify or combine the teachings to arrive at the claimed

invention. (See, for example, the enumerated required articulations set forth in M.P.E.P. § 2143 for each lettered rationale.) Applicant respectfully submits that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein. Therefore, Applicant respectfully submits that the differences between the cited references and the claimed invention show that the claimed invention is not made obvious by the cited references. Reference may be made to Applicant's arguments in past responses, which are not repeated here for brevity.

All rejected claims recite accepting commentary on the accuracy of information based on review from said individual, wherein the commentary includes explanations of incorrect information on said server. The Office Action now cites Raveis against such language, but as discussed above, the Office Action fails to show that Raveis teaches the language contained in the claims. As with the mere use of the word "individual" in Satyavolu, the mere use of the word "comment" in Raveis does not show equivalence between the teachings of Raveis and the invention as claimed in the claims. The Office Action merely cites to portions of Raveis that teach recording data in a real estate listing relating to showings of real estate related to the listing, the data including "a comment by an agent," "a comment by the contact," or "Comments to Owner." These mere references to comments do not show any commentary including explanations of incorrect information (in the database or listing). One of skill in the art would instead understand such comments to be comments about the real estate, the showing, etc., and not about incorrect information and/or changes as alleged in the Office Action. For at least this reason alone, all prior art rejections should be removed.

With respect to the rejections of claims 15-20 which further rely on Satyavolu, Applicant respectfully submits that the Office Action has not shown that Satyavolu teaches automatically gathering information regarding an individual from a plurality of information sources not controlled by the individual as alleged in the Office Action. Instead, the Office Action merely shows that Satyavolu teaches a data gathering network configured to gather data as requested by “individual subscribers” work requests. (See Col. 3 lines 29-48.) The mere use of the word “individual” in Satyavolu does not show equivalence between the teachings of Satyavolu and the invention as claimed in the claims. For at least this additional reason, the rejections of claims 15-20 should be removed.

Regarding claim 19, this claim requires, “wherein the commentary on the accuracy of said information comprises an indication that a portion of said information is incorrectly associated with said individual.” The Office Action cites paragraphs 67-70 of Bjorksten as teaching such limitations. Applicant respectfully disagrees, and notes that these paragraphs discuss handling of the system when a second party device requests a service profile, and do not mention any commentary much less the specific language recited in claim 19. Claim 19 is therefore not made obvious for at least this additional reason.

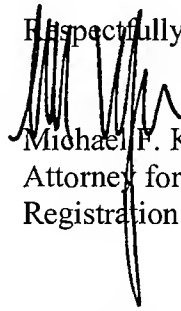
Therefore, for at least the foregoing reasons, Applicant respectfully submits that Office Action has failed to show that the cited references teach all elements of the claim set contained herein and has further failed to show how one of skill in the art would have found it obvious to overcome the differences between the claimed invention and the cited art. Applicant therefore respectfully requests removal of all rejections under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 25 day of September, 2009.

Respectfully submitted,



Michael F. Krieger
Attorney for Applicant
Registration No.: 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893